

**Remarks**

Claims 1-4 and 6-27 are pending in the application.

Claims 1, 2, 6-9, 11-16, 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morlitz (US Patent Application Publication #2002/0065800 A1, hereinafter "Morlitz") in view of Pepper et al. (US Patent Publication #7,206,777 B2, hereinafter Pepper).

Claims 3, 4, 17, 20-23, 25 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morlitz in view of Pepper and further in view of Shanman et al. (US Patent Publication #7,231,357 B1, hereinafter "Shanman").

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Morlitz in view of Pepper and further in view of Chow et al. (US Patent Publication #7,216,154B1, hereinafter Chow").

Claims 24 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morlitz in view of Pepper and further in view of Shanman, and further in view of Chow.

Each of the various rejections and objections are overcome by amendments that are made to the specification, drawing, and/or claims, as well as, or in the alternative, by various arguments that are presented.

Entry of this Amendment is proper under 37 CFR 1.116 since the amendment: (a) places the application in condition for allowance for the reasons discussed herein; (b) does not raise any new issue requiring further search and/or consideration since the amendments amplify issues previously discussed throughout prosecution; (c) satisfies a requirement of form asserted in the previous Office Action; (d) does not present any additional claims without canceling a corresponding number of finally rejected claims; or (e) places the application in better form for appeal, should an appeal be necessary. The amendment is necessary and was not earlier presented because it is made in response to arguments raised in the final rejection. Entry of the amendment is thus respectfully requested.

Any amendments to any claim for reasons other than as expressly recited herein as being for the purpose of distinguishing such claim from known prior art are not being made with an intent to change in any way the literal scope of such claims or the range of equivalents for such claims. They are being made simply to present language that is

better in conformance with the form requirements of Title 35 of the United States Code or is simply clearer and easier to understand than the originally presented language. Any amendments to any claim expressly made in order to distinguish such claim from known prior art are being made only with an intent to change the literal scope of such claim in the most minimal way, i.e., to just avoid the prior art in a way that leaves the claim novel and not obvious in view of the cited prior art, and no equivalent of any subject matter remaining in the claim is intended to be surrendered.

Also, since a dependent claim inherently includes the recitations of the claim or chain of claims from which it depends, it is submitted that the scope and content of any dependent claims that have been herein rewritten in independent form is exactly the same as the scope and content of those claims prior to having been rewritten in independent form. That is, although by convention such rewritten claims are labeled herein as having been "amended," it is submitted that only the format, and not the content, of these claims has been changed. This is true whether a dependent claim has been rewritten to expressly include the limitations of those claims on which it formerly depended or whether an independent claim has been rewritten to include the limitations of claims that previously depended from it. Thus, by such rewriting no equivalent of any subject matter of the original dependent claim is intended to be surrendered. If the Examiner is of a different view, he is respectfully requested to so indicate.

#### **Objection to the Specification**

The disclosure is objected to for an informality.

Applicants have herein amended the specification as indicated by the Examiner.

Therefore, the Examiner is respectfully requested to withdraw the objection.

#### **Rejection Under 35 U.S.C. 103**

Claims 1, 2, 6-9, 11-16, 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morlitz in view of Pepper. The rejection is traversed.

According to MPEP 2143, to establish a prima facie case of obviousness under 103, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of

ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

The Office Action failed to establish a *prima facie* case of obviousness, because the combination of Morlitz and Pepper fails to teach or suggest all the claim elements.

As described in Applicants' previous response, Morlitz fails to teach or suggest at least the limitation of "obtaining said resource and said embedded data using a resource index file having information regarding said resource and said embedded data," as claimed in Applicants' claim 1.

Rather, Morlitz merely discloses that the Web server determines all graphics, audio clips, and other resources needed for a requested Web page, compresses the resources, and creates an archive file containing the compressed resources. Further, Morlitz discloses meta data including information included in an offline file that is sent from a web server to a client for use by the client to enhance offline search capabilities.

Morlitz is devoid of any teaching or suggestion of using a resource index file having information regarding a resource and embedded data in order to obtain the resource and embedded data, as claimed in Applicants' claim 1. As such, Morlitz fails to teach or suggest Applicants' claim 1, as a whole.

Furthermore, Pepper fails to bridge the substantial gap between Morlitz and Applicants' claim 1.

Pepper, alone or in combination with Morlitz, fails to teach or suggest at least the limitation of "obtaining said resource and said embedded data using a resource index file having information regarding said resource and said embedded data," as claimed in Applicants' claim 1.

Rather, while Pepper discloses use of an index file, Pepper merely discloses that the index file is used for reducing duplicative storage of resources at an archive server. Pepper is devoid of any teaching or suggestion that the index file is used for obtaining the

resources of an XML document. Rather, Pepper states that the resources of an XML document are obtained by parsing that XML document, not using an index file.

Specifically, Pepper states that “[t]he XML indexer 305 is configured to parse (step S3) the retrieved XML document 110 based on the individual XML tags (e.g., “href”) contained within the retrieved XML document 110, and to identify the resources associated with the XML tags (e.g., the resources 165 (style sheet), 170 (logo), and 175 (image), illustrated in FIG. 1).” (Pepper, Col. 8, Lines 53 – 58, Emphasis added). In other words, Pepper teaches identification of the resources of an XML document by parsing the XML tags of that XML document. Pepper fails to teach or suggest use of the index file of Pepper to obtain the resource of the XML document. Thus, Pepper fails to teach or suggest “obtaining said resource and said embedded data using a resource index file having information regarding said resource and said embedded data,” as claimed in Applicants’ claim 1.

Similarly, Pepper states that “[t]he XML indexer 305 parses (step S3) the XML invoice 110 to identify the resources referenced by the XML invoice 110.” (Pepper, Col. 9, Lines 18 – 20, Emphasis added). In other words, Pepper teaches identification of the resources of an XML document by parsing the XML document (in this example, XML invoice 110). Pepper fails to teach or suggest use of the index file of Pepper to obtain the resource of the XML document. Thus, Pepper fails to teach or suggest “obtaining said resource and said embedded data using a resource index file having information regarding said resource and said embedded data,” as claimed in Applicants’ claim 1.

Furthermore, in the Office Action, the Examiner cites specific portions of Pepper (namely, Col. 2, Lines 34 – 46; Col. 6, Line 31 – Col. 7, Line 7), asserting that the cited portions of Pepper disclose using a resource index file having information regarding a resource and embedded data for obtaining the resource and the embedded data. Applicants respectfully disagree.

The first portion of Pepper cited by the Examiner states:

“One problem faced when trying to archive XML is that XML often references multiple resources (a resource may be an image, an audio file, a style sheet, a data type definition document, a data file, etc.) and hence, unlike conventional data which is “flat” in its structure, an XML document has a hierarchical structure. Therefore, in order to fully archive and retrieve the XML document and retain the fidelity of the data, each of

the resources which are referenced within the XML document must either be archived or made available for an indefinite amount of time on a web server. If the aforementioned does not occur the XML document will not be displayed correctly because the XML document will be incomplete.” (Pepper, Col. 2, Lines 34 – 46).

In other words, the first portion of Pepper cited by the Examiner merely states that each resource referenced within an XML document must be archived or made available for an indefinite amount of time in order to fully archive and retrieve the XML document. The first portion of Pepper cited by the Examiner is devoid of any teaching or suggestion of anything having to do with the index file of Pepper, much less using the index file of Pepper to obtain the resources of an XML document. Rather, the cited portion of Pepper merely includes a general statement indicating that, in order for an XML document to be archived, the associated resources of the XML document must be archived. A general statement that resources of an XML document must be archived in order to properly archive the XML document, as disclosed in Pepper, does not teach or suggest obtaining a resource and embedded data using a resource index file having information regarding the resource and the embedded data, as claimed in Applicants’ claim 1.

The second portion of Pepper cited by the Examiner states:

“A flow diagram 200 detailing the operational steps of the archiving process of an XML document 110 in accordance with the present invention is illustrated in FIG. 2. In step S1, an XML document 110 is received by the server 100. In step S2, the XML document 110 is stored in the storage device 115. The XML document 110 is also provided to the XML indexer 150, which extracts references to the external resources in the XML document 110 (step S3). In step S4, the XML indexer 150 performs a query to determine whether any of the extracted resources have previously been stored in the storage device 115. In particular, after the references to the resources have been extracted from the XML document 110 by the XML indexer 150, the XML indexer 150 examines the index file 155 to determine whether a reference to any of the extracted resources has previously been appended to the index file 155, indicating that that resource has already been stored in the storage device 115. If a reference to an extracted resource is not found in the index file 155, a reference to the resource is added to the index file 155 (step S5) and the resource is stored (step S6) in the storage device 115 by the second load process 160. If a reference to an extracted resource is found in the index file 155, the resource is not stored a second time in the storage device 115. This process is repeated for each extracted resource in the XML document 110.

One feature of this process is that the XML indexer 150 determines, before storage of a resource (e.g., an image, logo, style sheet, and/or data type definition document, etc.) in the storage device 115, that the resource has not already been stored in the storage device 115. If a resource is already referenced in the index file 155, indicating that the resource has already been stored in the storage device 115, the resource is not stored again in the storage device 115. If, on the other hand, a resource is not yet referenced in the index file 155, indicating that the resource has not yet been stored in the storage device 115, a reference to the resource is added to the index file 155 and the resource is stored in the storage device 115 by the second load process 160. This process accelerates the storage process by preventing duplicative storage of the same resource, and also dramatically saves on storage space as each resource is only stored once in the storage device 115. This can be further explained by reference to EXAMPLE 3 below.”

(Pepper, Col. 6, Line 31 – Col. 7, Line 7, Emphasis added).

In other words, the second portion of Pepper cited by the Examiner merely describes an archiving process by which an XML document and associated resources of the XML document are archived in an archive server. The cited portion of Pepper is devoid of any teaching or suggestion of subsequent use of the index file, much less use of the index file to obtain the XML document and the resources of the XML document. Rather, Pepper merely describes how the index file is used to prevent resources common to multiple XML documents from being stored in the archive server multiple times. The use of an index file as a checklist for determining whether a resource of an XML document is already archived on an archive server in order to prevent the resource from being archived again, as disclosed in Pepper, is not use of the index file to obtain the XML document or its associated resources. Thus, the cited portion of Pepper fails to teach or suggest obtaining a resource and embedded data using a resource index file having information regarding the resource and the embedded data, as claimed in Applicants’ claim 1.

Thus, each of Morlitz and Pepper fails to teach or suggest “obtaining said resource and said embedded data using a resource index file having information regarding said resource and said embedded data,” as claimed in Applicants’ claim 1. Therefore, any permissible combination of Morlitz and Pepper (assuming such combination is even possible) must also fail to teach or suggest “obtaining said resource and said embedded data using a resource index file having information regarding said

resource and said embedded data,” as claimed in Applicants’ claim 1. Thus, Morlitz and Pepper fail to teach or suggest Applicants’ claim 1, as a whole.

As such, the combination of Morlitz and Pepper fails to teach or suggest all the claim elements of Applicants’ claim 1.

As such, independent claim 1 is patentable over Morlitz and Pepper under 35 U.S.C. 103. Similarly, independent claims 12 and 16 recite relevant limitations similar to those recited in independent claim 1. As such, for at least the same reasons discussed above, independent claims 12 and 16 also are patentable over Morlitz and Pepper under 35 U.S.C. 103. Furthermore, since all of the dependent claims that depend from the independent claims include all the limitations of the respective independent claim from which they ultimately depend, each such dependent claim is also allowable over Morlitz and Pepper under 35 U.S.C. 103.

Therefore, Applicants’ claims 1, 2, 6-9, 11-16, 18 and 19 are patentable over Morlitz in view of Pepper under 35 U.S.C. 103. The Examiner is respectfully requested to withdraw the rejection.

**Claims 3, 4, 17, 20-23, 25 and 27**

Claims 3, 4, 17, 20-23, 25 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morlitz in view of Pepper and further in view of Shanman. The rejection is traversed.

**Claims 3, 4, 17**

Each of these grounds of rejection applies only to dependent claims, and each is predicated on the validity of the rejection of independent claims 1 and 16 under 35 U.S.C. 103 given Morlitz in view of Pepper. Since the rejection of independent claims 1 and 16 under 35 U.S.C. 103 given Morlitz in view of Pepper has been overcome, as described hereinabove, and there is no argument put forth by the Office Action that Shanman supplies that which is missing from Morlitz and Pepper to render independent claims 1 and 16 obvious, these grounds of rejection cannot be maintained.

Therefore, Applicants' claims 3, 4 and 17 are patentable over Morlitz in view of Pepper and further in view of Shanman under 35 U.S.C. 103. The Examiner is respectfully requested to withdraw the rejection.

**Claims 20-23, 25 and 27**

The Office Action failed to establish a *prima facie* case of obviousness, because the combination of Morlitz, Pepper and Shanman fails to teach or suggest all the claim elements.

Independent claim 20 recites relevant limitations similar to those recited in independent claim 1. As such, for at least the reasons discussed above, Morlitz and Pepper fail to teach or suggest Applicants' claim 20, as a whole. Specifically, Morlitz and Pepper fail to teach or suggest at least the limitation of "obtaining the resource and its embedded data using a resource index file having information regarding the resource and its embedded data," as claimed in Applicants' claim 20.

Furthermore, Shanman fails to bridge the substantial gap between Morlitz and Pepper and Applicants' invention of independent claim 20. Specifically, Shanman also fails to teach or suggest at least the limitation of "obtaining the resource and its embedded data using a resource index file having information regarding the resource and its embedded data," as claimed in Applicants' claim 20.

Rather, Shanman merely discloses a system for targeted distribution of coupons over a network. As disclosed in Shanman, in order to distribute coupons to a consumer computer, a link is established between a consumer and a coupon server, and a series of transactions between the consumer and coupon server facilitate distribution of coupons to the consumer.

Shanman, however, is devoid of any teaching or suggestion of a resource index file having information regarding a resource and embedded data for use in obtaining the resource and the embedded data, as claimed in Applicants' claim 1. Thus, like Morlitz and Pepper, Shanman fails to teach or suggest all claim elements of Applicants' claim 1.

Thus, since Morlitz, Pepper and Shanman each fails to teach or suggest the limitation of "obtaining the resource and its embedded data using a resource index file having information regarding the resource and its embedded data," any permissible



combination of Morlitz, Pepper and Shanman (assuming such combination is even possible) must also fail to teach or suggest “obtaining the resource and its embedded data using a resource index file having information regarding the resource and its embedded data,” as claimed in Applicants’ claim 20. As such, Morlitz, Pepper, and Shanman, alone or in combination, fail to teach or suggest Applicants’ claim 20, as a whole.

As such, independent claim 20 is not obvious over Morlitz in view of Pepper and further in view of Shanman and is patentable under 35 U.S.C. 103. Furthermore, since all of the dependent claims that depend from the independent claim include all the limitations of the independent claim from which they ultimately depend, each such dependent claim is also allowable over the combination of Morlitz, Pepper and Shanman.

Therefore, Applicants’ claims 20-23 are allowable over Morlitz in view of Pepper and further in view of Shanman under 35 U.S.C. 103. The Examiner is respectfully requested to withdraw the rejection.

#### **Claim 10**

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Morlitz in view of Pepper and further in view of Chow. The rejection is traversed.

This ground of rejection applies only to dependent claims and is predicated on the validity of the rejection of claim 1 under 35 U.S.C. 103 given Morlitz in view of Pepper. Since the rejection of claim 1 under 35 U.S.C. 103 given Morlitz in view of Pepper has been overcome, as described hereinabove, and there is no argument put forth by the Office Action that Chow supplies that which is missing from Morlitz and Pepper to render the independent claim 1 obvious, this ground of rejection cannot be maintained.

Therefore, Applicants’ claim 10 is allowable over Morlitz in view of Pepper and further in view of Shanman under 35 U.S.C. 103. The Examiner is respectfully requested to withdraw the rejection.

#### **Claims 24 and 26**

Claims 24 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morlitz in view of Pepper and further in view of Shanman, and further in view of Chow. The rejection is traversed.

Claims 24 and 26 depend from independent claim 20.

This ground of rejection applies only to dependent claims and is predicated on the validity of the rejection of claim 20 under 35 U.S.C. 103 given Morlitz in view of Pepper and further in view of Shanman. Since the rejection of claim 20 under 35 U.S.C. 103 given Morlitz in view of Pepper and further in view of Shanman has been overcome, as described hereinabove, and there is no argument put forth by the Office Action that Chow supplies that which is missing from the combination of Morlitz, Pepper and Shanman to render independent claim 20 obvious, this ground of rejection cannot be maintained.

Therefore, Applicants' claims 24 and 26 are allowable over Morlitz in view of Pepper and further in view of Shanman, and further in view of Chow under 35 U.S.C. 103. The Examiner is respectfully requested to withdraw the rejection.


**Conclusion**

It is respectfully submitted that the Office Action's rejections have been overcome and that this application is now in condition for allowance. Reconsideration and allowance are, therefore, respectfully solicited.

If, however, the Examiner still believes that there are unresolved issues, the Examiner is invited to call Michael Bentley or Eamon Wall at (732) 530-9404 so that arrangements may be made to discuss and resolve any such issues.

Respectfully submitted,

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Eamon J. Wall  
Registration No. 39,414  
Attorney for Applicants

PATTERSON & SHERIDAN, LLP  
595 Shrewsbury Avenue, Suite 100  
Shrewsbury, New Jersey 07702  
Telephone: 732-530-9404  
Facsimile: 732-530-9808